



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,675	04/04/2006	Dennis Lee	PU60526	4093
20462 7590 04/02/2008 SMITHKLINE BEECHAM CORPORATION CORPORATE INTELLECTUAL PROPERTY-US, UW2220 P. O. BOX 1539 KING OF PRUSSIA, PA 19406-0939				
EXAMINER RAHMANI, NILOOFAR				
ART UNIT 1625		PAPER NUMBER		
NOTIFICATION DATE 04/02/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

US_cipkop@gsk.com

Office Action Summary

Application No.

10/574,675

Applicant(s)

LEE ET AL.

Examiner

NILOOFAR RAHMANI

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 04/04/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-7 are pending in the instant application.

2. ***Priority***

This application was filed on 04/04/2006, which is a 371 of PCT/US04/32825, filed on 10/06/2004, which claims priority of UNITED STATES OF AMERICA 60/508,893, filed on 10/06/2003 and UNITED STATES OF AMERICA 60/532,085, filed on 12/23/2003..

3. ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

There are many factors to be considered when determining whether there is sufficient evidence to support a determination that a disclosure does not satisfy the enablement requirement and whether any necessary experimentation is "undue". These factors include 1) the breadth of the claims, 2) the nature of the invention, 3) the state of the prior art, 4) the level of one of ordinary skill, 5) the level of predictability in the art, 6) the

amount of direction provided by the inventor, 7) the existence of working examples, and 8) the quantity of experimentation needed to make or use the invention based on the content of the disclosure. In re Wands, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988).

- 1) The breadth of the claims.
- 2) The nature of the invention,
- 3) The state of the prior art,
- 4) The level of one of ordinary skill,
- 5) The level of predictability in the art,
- 6) The amount of direction provided by the inventor,
- 7) The existence of working examples,
- 8) The quantity of experimentation needed to make or use the invention based on the content of the disclosure.

The nature of the invention: The instant invention is drawn to method of inhibiting Rho-kinases using an effective amount of a compound according to claim 1.

The state of the prior art: " Y-27632 could prevent the inhibition of myosin light chain phosphatase via the Rho/ROCK-mediated signaling pathway. Y-27632 attenuates the methacholine-induced precontraction and potentiates the relaxant effects of B2-adrenoceptor agonists in bovine tracheal smooth muscle preparations. Therefore, not only a ROCK inhibitor alone but also its combination with B2-adrenoceptor stimulants may become a useful clinical strategy to improve airflow limitation in asthma." (Nakahara et al., European journal of pharmacology, 2000, Vol. 389, No. 1, pp. 103-6).

The state of the prior art is that it involves screening in vitro and in vivo to determine which compounds exhibit the desired pharmacological activities (i.e. what compounds can treat which specific disease). There is no absolute predictability even in view of the seeming high level of skill in the art. The existence of these obstacles establishes that the contemporary knowledge in the art would prevent one of ordinary skill in the art from accepting any therapeutic regimen on its face.

The predictability in the art: It is noted that the pharmaceutical art is unpredictable, requiring each embodiment to be individually assessed for physiological activity. *In re Fisher*, 427 F. 2d 833, 166 USPQ 18 (CCPA 1970) indicates that the more unpredictable an area is, the more specific enablement is necessary in order to satisfy the statute. In the instant case, the instantly claimed invention is highly unpredictable since one skilled in the art would recognize that in regards to the therapeutic effects, whether or not the compounds of formula of claim 1 would be used for inhibiting Rho-kinases.

Amount of guidance/working examples: On page 34-35 of the specification, applicant has example of ROCK inhibiting activity test compounds. However, the specification does not seem to enable the activity of compounds to a disease such as cancer, stroke, asthma and etc.

The breadth of the claims: The breadth of claims is drawn to a method of inhibiting Rho-kinases using an effective amount of a compound according to claim1.

The quantity of undue experimentation needed: Since the guidance and teaching provided by the specification is insufficient for inhibiting Rho-kinases, one of ordinary skill in the art, even with high level of skill, is unable to use the instant compounds as claimed without undue experimentation.

The level of the skill in the art: The level of skill in the art is high. However, due to the unpredictability in the pharmaceutical art, it is noted that each embodiment of the invention is required to be individually assessed for physiological activity by in vitro and in vivo screening to determine which compounds exhibit the desired pharmacological activity and which diseases would benefit from this activity.

Taking all of the above into consideration, it is not seen where the instant claims 3-6, for inhibiting Rho-kinases, have been enabled by the instant specification.

4. *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 1625

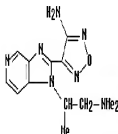
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, and 8-15 are rejected under 35 U.S.C. 102(a) and 102(e) as being anticipated by Bailey et al., WO 03/080610. Bailey et al. disclosed the instant claimed compounds and compositions, which from the STN search are

RN 607369-14-2

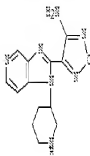
CN 1H-Imidazo[4,5-c]pyridine-1-ethanamine, 2-(4-amino-1,2,5-oxadiazol-3-yl)- N,N,b-trimethyl-



RN 607369-34-6

Art Unit: 1625

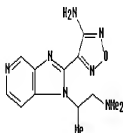
CN 1,2,5-Oxadiazol-3-amine, 4-[1-(3-piperidinyl)-1H-imidazo[4,5-c]pyridin-2-yl]-



,

RN 607369-25-5

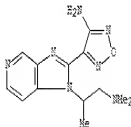
CN 1H-Imidazo[4,5-c]pyridine-1-ethanamine, 2-(4-amino-1,2,5-oxadiazol-3-yl)- N,N,b-trimethyl-, (+)



,

RN 607369-27-7

CN 1H-Imidazo[4,5-c]pyridine-1-ethanamine, 2-(4-amino-1,2,5-oxadiazol-3-yl)- N,N,b-trimethyl-, (-)

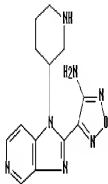


,

RN 607369-37-9

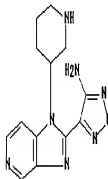
Art Unit: 1625

CN 1,2,5-Oxadiazol-3-amine, 4-[1-(3-piperidinyl)-1H-imidazo[4,5-c]pyridin-2-yl]-,



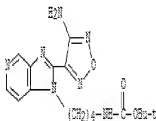
RN 607369-38-0

CN 1,2,5-Oxadiazol-3-amine, 4-[1-(3-piperidinyl)-1H-imidazo[4,5-c]pyridin-2-yl]-,



RN 607369-19-7

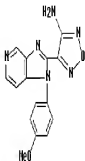
CN Carbamic acid, [4-[2-(4-amino-1,2,5-oxadiazol-3-yl)-1H-imidazo[4,5-c]pyridin-1-yl]butyl]-, 1,1-dimethylethyl ester



Art Unit: 1625

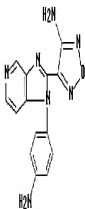
RN 607369-40-4

CN 1,2,5-Oxadiazol-3-amine, 4-[1-(4-methoxyphenyl)-1H-imidazo[4,5-c]pyridin-2-yl]-



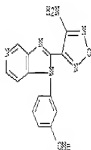
RN 607369-43-7

CN 1,2,5-Oxadiazol-3-amine, 4-[1-(4-aminophenyl)-1H-imidazo[4,5-c]pyridin-2-yl]-



RN 607369-45-9

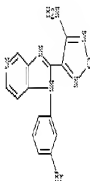
CN 1,2,5-Oxadiazol-3-amine, 4-[1-(3-methoxyphenyl)-1H-imidazo[4,5-c]pyridin-2-yl]-



Art Unit: 1625

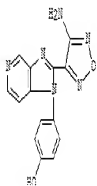
RN 607369-53-9

CN 1,2,5-Oxadiazol-3-amine, 4-[1-(3-bromophenyl)-1H-imidazo[4,5-c]pyridin-2-yl]-



RN 607369-54-0

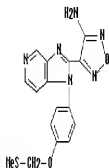
CN Phenol, 4-[2-(4-amino-1,2,5-oxadiazol-3-yl)-1H-imidazo[4,5-c]pyridin-1-yl]-



RN 607369-73-3

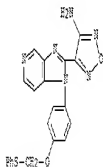
CN 1,2,5-Oxadiazol-3-amine, 4-[1-[4-[(methylthio)methoxy]phenyl]-1H-imidazo[4,5-c]pyridin-2-yl]-

Art Unit: 1625



RN 607369-75-5

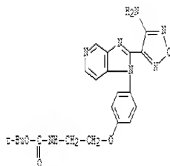
CN 1,2-Oxadiazol-3-amine, 4-[1-[4-[(phenylthio)methoxy]phenyl]-1H-imidazo[4,5-c]pyridin-2-yl]-



RN 607369-77-7

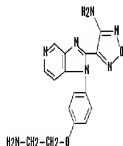
CN Carbamic acid, [2-[4-[2-(4-amino-1,2,5-oxadiazol-3-yl)-1H-imidazo[4,5-c]pyridin-1-yl]phenoxy]ethyl]-, 1,1-dimethylethyl ester, trifluoroacetate

Art Unit: 1625



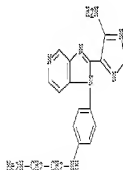
RN 607369-88-0

CN 1,2,5-Oxadiazol-3-amine, 4-[1-[4-(2-aminoethoxy)phenyl]-1H-imidazo[4,5-c]pyridin-2-yl]-, hydrochloride



RN 607370-41-2

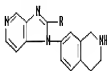
CN 1,2-Ethanediamine, N'-[4-[2-(4-amino-1,2,5-oxadiazol-3-yl)-1H-imidazo[4,5-c]pyridin-1-yl]phenyl]-N,N-dimethyl-



Art Unit: 1625

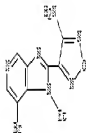
RN 607370-88-7

CN 1,2,5-Oxadiazol-3-amine, 4-[1-(1,2,3,4-tetrahydro-7-isoquinoliny)-1H-imidazo[4,5-c]pyridin-2-yl]-



RN 607370-99-0

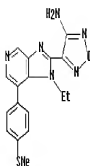
CN 1,2,5-Oxadiazol-3-amine, 4-(7-bromo-1-ethyl-1H-imidazo[4,5-c]pyridin-2-yl)-



RN 607371-24-4

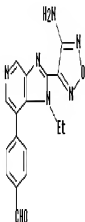
CN 1,2,5-Oxadiazol-3-amine, 4-[1-ethyl-7-[4-(methylthio)phenyl]-1H-imidazo[4,5-c]pyridin-2-yl]-

Art Unit: 1625



,
RN 607371-97-1

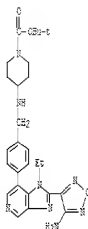
CN Benzaldehyde, 4-[2-(4-amino-1,2,5-oxadiazol-3-yl)-1-ethyl-1H-imidazo[4,5-c]pyridin-7-yl]-



,
RN 607372-01-0

CN 1-Piperidinecarboxylic acid, 4-[[[4-[2-(4-amino-1,2,5-oxadiazol-3-yl)-1-ethyl-1H-imidazo[4,5-c]pyridin-7-yl]phenyl]methyl]amino]-, 1,1-dimethylethyl ester

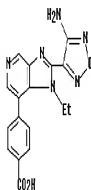
Art Unit: 1625



,

RN 607372-09-8

CN Benzoic acid, 4-[2-(4-amino-1,2,5-oxadiazol-3-yl)-1-ethyl-1H-imidazo[4,5-c]pyridin-7-yl]-

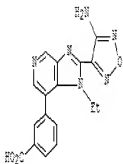


,

RN 607372-10-1

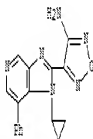
CN Benzoic acid, 3-[2-(4-amino-1,2,5-oxadiazol-3-yl)-1-ethyl-1H-imidazo[4,5-c]pyridin-7-yl]-

Art Unit: 1625



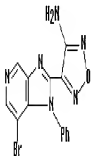
RN 607372-27-0

CN 1,2,5-Oxadiazol-3-amine, 4-(1-cyclopropyl-7-phenyl-1H-imidazo[4,5-c]pyridin-2-yl)-



RN 607372-33-8

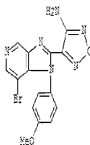
CN 1,2,5-Oxadiazol-3-amine, 4-(7-bromo-1-phenyl-1H-imidazo[4,5-c]pyridin-2-yl)-



RN 607372-41-8

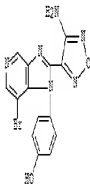
CN 1,2,5-Oxadiazol-3-amine, 4-[7-bromo-1-(4-methoxyphenyl)-1H-imidazo[4,5-c]pyridin-2-yl]-

Art Unit: 1625



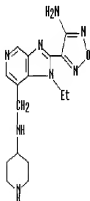
RN 607372-42-9

CN Phenol, 4-[2-(4-amino-1,2,5-oxadiazol-3-yl)-7-bromo-1H-imidazo[4,5-c]pyridin-1-yl]-



RN 607372-46-3

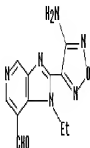
CN 1H-imidazo[4,5-c]pyridine-7-methanamine, 2-(4-amino-1,2,5-oxadiazol-3-yl)-1-ethyl-N-4-piperidinyl-



Art Unit: 1625

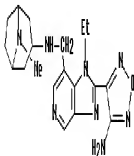
RN 607372-47-4

CN 1H-Imidazo[4,5-c]pyridine-7-carboxaldehyde, 2-(4-amino-1,2,5-oxadiazol-3-yl)-1-ethyl-



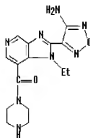
RN 607372-99-6

CN 8-Azabicyclo[3.2.1]octan-3-amine, N-[[2-(4-amino-1,2,5-oxadiazol-3-yl)-1-ethyl-1H-imidazo[4,5-c]pyridin-7-yl]methyl]-8-methyl-



RN 607373-25-1

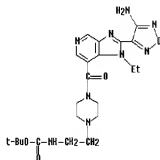
CN Piperazine, 1-[[2-(4-amino-1,2,5-oxadiazol-3-yl)-1-ethyl-1H-imidazo[4,5-c]pyridin-7-yl]carbonyl]-, dihydrochloride



RN 607373-28-4

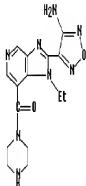
Art Unit: 1625

CN Carbamic acid, [2-[4-[[2-(4-amino-1,2,5-oxadiazol-3-yl)-1-ethyl-1H-imidazo[4,5-c]pyridin-7-yl]carbonyl]-1-piperazinyl]ethyl]-, 1,1-dimethylethyl ester



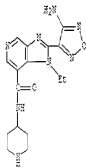
RN 607373-29-5

CN Piperazine, 1-[[2-(4-amino-1,2,5-oxadiazol-3-yl)-1-ethyl-1H-imidazo[4,5-c]pyridin-7-yl]carbonyl]-



RN 607373-40-0

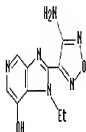
CN 1H-Imidazo[4,5-c]pyridine-7-carboxamide, 2-(4-amino-1,2,5-oxadiazol-3-yl)-1-ethyl-N-4-piperidinyl-, dihydrochloride



Art Unit: 1625

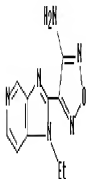
RN 607373-65-9

CN 1H-Imidazo[4,5-c]pyridin-7-ol, 2-(4-amino-1,2,5-oxadiazol-3-yl)-1-ethyl-



RN 607368-87-6

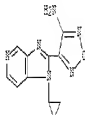
CN 1,2,5-Oxadiazol-3-amine, 4-(1-ethyl-1H-imidazo[4,5-c]pyridin-2-yl)-



RN 607368-93-4

CN 1,2,5-Oxadiazol-3-amine, 4-(1-cyclopropyl-1H-imidazo[4,5-c]pyridin-2-yl)-

Art Unit: 1625



RN 607368-95-6

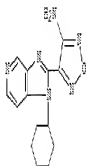
CN 1,2,5-Oxadiazol-3-amine, 4-(1-methyl-1H-imidazo[4,5-c]pyridin-2-yl)-



RN 607368-97-8

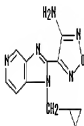
CN 1,2,5-Oxadiazol-3-amine, 4-(1-cyclohexyl-1H-imidazo[4,5-c]pyridin-2-yl)-

Art Unit: 1625



RN 607368-99-0

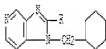
CN 1,2,5-Oxadiazol-3-amine, 4-[1-(cyclopropylmethyl)-1H-imidazo[4,5-c]pyridin-2-yl]-



RN 607369-01-7

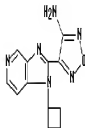
CN 1,2,5-Oxadiazol-3-amine, 4-[1-(cyclohexylmethyl)-1H-imidazo[4,5-c]pyridin-2-yl]-

Art Unit: 1625



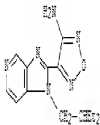
RN 607369-03-9

CN 1,2,5-Oxadiazol-3-amine, 4-(1-cyclobutyl-1H-imidazo[4,5-c]pyridin-2-yl)-



RN 607369-05-1

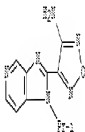
CN 1,2,5-Oxadiazol-3-amine, 4-[1-(2-ethylbutyl)-1H-imidazo[4,5-c]pyridin-2-yl]-



RN 607369-07-3

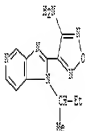
Art Unit: 1625

CN 1,2,5-Oxadiazol-3-amine, 4-[1-(1-methylethyl)-1H-imidazo[4,5-c]pyridin-2-yl]-



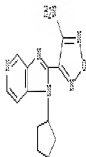
RN 607369-09-5

CN 1,2,5-Oxadiazol-3-amine, 4-[1-(1-methylpropyl)-1H-imidazo[4,5-c]pyridin-2-yl]-



RN 607369-11-9

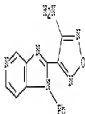
CN 1,2,5-Oxadiazol-3-amine, 4-(1-cyclopentyl-1H-imidazo[4,5-c]pyridin-2-yl)-



RN 607369-41-5

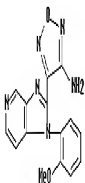
Art Unit: 1625

CN 1,2,5-Oxadiazol-3-amine, 4-(1-phenyl-1H-imidazo[4,5-c]pyridin-2-yl)-



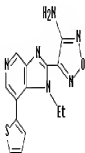
RN 607369-46-0

CN 1,2,5-Oxadiazol-3-amine, 4-[1-(2-methoxyphenyl)-1H-imidazo[4,5-c]pyridin-2-yl]-



RN 607371-09-5

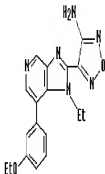
CN 1,2,5-Oxadiazol-3-amine, 4-[1-ethyl-7-(2-thienyl)-1H-imidazo[4,5-c]pyridin-2-yl]-



RN 607371-14-2

Art Unit: 1625

CN 1,2,5-Oxadiazol-3-amine, 4-[7-(3-ethoxyphenyl)-1-ethyl-1H-imidazo[4,5- c]pyridin-2-yl]-



. Therefore, the instant claim is anticipated by Bailey et al.

6. **Claim Rejections - Obvious Double Patenting**

Claims 1-7 are provisionally rejected under the judicially created doctrine obviousness-type double patenting as being unpatentable over the claims 1-4, 6-16, and 18 of Bailey et al., US 2005/0197328. Although the conflicting claims are not identical, they are not patentably distinct from each other because the current invention embraces the invention claimed in the above patent.

Determination of the scope and content of the prior art (MPEP §2141.01)

Bailey et al. claimed identical compounds, pharmaceutical composition and method of using the compounds in claims 1-4, 6-16, and 18, wherein X₃ being Nitrogen, X₁ being Carbon, X₂ being Carbon, X₄ being Carbon and R₁ being formula (c) and X₉ being Oxygen and X₁₀ being Nitrogen.

Ascertainment of the difference between the prior art and the claims (MPEP §2141.02)

The difference between the instant claims and the issued claims is the claims are not word for word identical but the scope of both sets of claims overlaps mostly significantly with each other.

Finding of prima facie obviousness-rational and motivation (MPEP §2142.2143)

The issued claims 1-4, 6-16, and 18 are therefore fully embraced by the instant claims 1-7.

This is provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been issued.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 168 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130 (b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niloofar Rahmani whose telephone number is 571-272-4329. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres, can be reached on 571-272-0867.

Art Unit: 1625

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NILOOFAR RAHMANI

D.MARGARET SEAMAN

03/24 /2008

PRIMARY EXAMINER

GROUP 1625

/D. Margaret Seaman/

Primary Examiner, Art Unit 1625